

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 917 - SB 1359

March 5, 2019

SUMMARY OF ORIGINAL BILL: Creates a Class A misdemeanor offense of withdrawing, transferring, or altering a child's enrollment in school with intent to hinder an active child abuse or neglect investigation. Creates a Class E felony offense if such child is taken out of state.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$3,400 Incarceration *

SUMMARY OF AMENDMENT (005251): Deletes all language after the enacting clause such that the only substantive change is to clarify that it is a defense to the prosecution of altering a child's enrollment in school with the intent to hinder an active investigation if the parent, guardian, or legal custodian received written confirmation from the investigating agency that such agency has been notified of the child's change in enrollment and has confirmed that such change would not hinder the agency's investigation.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The proposed legislation will result in one admission every 10 years.
- The average time served for a Class E felony is 1.28 years.
- Population growth and recidivism will not impact these admissions.
- According to the Department of Correction, the average operating cost per offender per day for calendar year 2019 is \$73.18.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender admitted every 10 years serving an additional 1.28 years (467.52 days) for an annualized increase in state incarceration expenditures of \$3,421 [(\$73.18 x 467.52) / 10].
- Any cost to local jail systems resulting from possible convictions under this legislation is estimated to be not significant.

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- There will not be a sufficient change in the number of misdemeanor prosecutions for the state or local government to experience any significant change in revenue or expenditures. The courts, district attorneys, and public defenders will not experience an increase in caseloads. Any impact to the court system is estimated to be not significant.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/amj